

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALDINE BARABIN, et al.,

CASE NO. C07-1454JLR

Plaintiffs,

**ORDER DENYING MOTION
FOR RELIEF AS MOOT**

ASTENJOHNSON, INC., et al.,

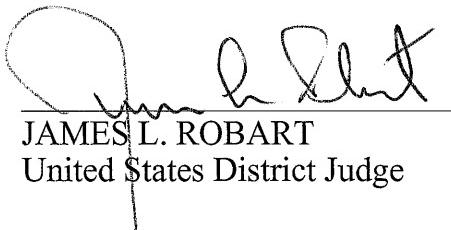
Defendants.

15 Before the court is Plaintiff Geraldine Barabin’s motion for relief from the court’s
16 order denying an extension of the discovery deadline. (Mot. (Dkt. # 651).) Ms. Barabin
17 sought relief so that Dr. Carl Brodkin, an expert witness, could be deposed on December
18 19, 2017, because he was not available for deposition before the November 26, 2017,
19 discovery cutoff date. (*See generally id.*; 3/29/2017 Sched. Order (Dkt. # 643).)
20 However, in Ms. Barabin’s reply, she indicated that Dr. Brodkin “has been able to make
21 November 10, 2017 available for deposition and the defendants have accepted this date
22 for Dr. Brodkin’s deposition.” (Reply (Dkt. # 653) at 2.) Ms. Barabin concedes that

1 "relief will no longer be necessary," assuming that this deposition proceeds as scheduled.
2 (*Id.*) She offers no reason to suggest that Dr. Brodkin's deposition would not occur as
3 currently scheduled. (*See generally id.*)

4 Because Dr. Brodkin is now scheduled to be deposed before the discovery cutoff,
5 the relief sought by Ms. Barabin—to allow Dr. Brodkin's deposition to occur after the
6 discovery deadline—is no longer needed. Accordingly, the court DENIES Ms. Barabin's
7 motion for relief as moot (Dkt. # 651).

8 Dated this 3rd day of November, 2017.

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11 JAMES L. ROBART
12 United States District Judge
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